



IN THE UNITED STATES PATENT OFFICE

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OCT 06 2003

OFFICE OF PETITIONS

Applicant: Stephen R. Welch)

Serial No.: 09/852,996)

Filed: 05/10/2001)

For: Method And Apparatus For)
Forming A Binder Cover And)
A Ring Cover)

PATENT APPLICATION

Examiner M. T. Henderson

Group Art Unit 3722

Dkt #4004022.0026

MAIL STOP PETITION
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE ABANDONED
APPLICATION SERIAL NO. 09/852,996 UNDER 37 CFR 1.137

Dear Sir:

This application was abandoned for failure to timely respond to an Official Action dated December 20, 2002.

The requisite reply to the Official Action of December 20, 2002 is accompanied herewith along with the required petition fee.

The abandonment of this application was clearly unintentional as supported by the following statement.

The series of events that led up to the unintentional abandonment are as follows:

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1) An Official Action was rendered on December 20, 2002 wherein a requirement for division was made final and a number of claims (1-6) were allowed; Claims 7, 8 and 16 were rejected; and Claims 9-15 and 17-20 were objected to as depending from rejected claims and if placed in proper form would be allowable.

2) The rejection of Claims 7, 8 and 16 was reviewed and it was noted that the rejection of these claims was primarily based on an earlier patent to Stephen Welch (U.S. Patent No. 6,394, 729) filed December 8, 2000, the inventor in this application, which '729 patent was not available as prior art since it issued May 28, 2002, more than one (1) year after the subject application was filed (May 10, 2001).

3) On or about February 20, 2003, prior to the expiration of the three (3) month response period, the Examiner handling this case, Mr. Henderson, was contacted and after checking with someone he returned my call confirming my position that the Welch '729 patent was not prior art and that I should ignore the Official Action and that he would issue a new one. I specifically asked if I should file something in the application covering this point and was told it was not necessary.

4) On June 20, 2003, the last day of the 6 month statutory period for necessary responding Mr. Henderson called me regarding the case and I made reference to our earlier telephone discussion and while he recalled our discussion, he did not recall telling me that I should ignore the Official Action. I subsequently spoke to his supervisor and was advised that in view of the controlling policy that all business should be in writing and no attention would be paid to any alleged understanding, the application must be considered abandoned, and my recourse was to petition to request withdrawal of the Examiner's holding of abandonment.

5) On June 25, 2003, just 5 days after the discussions with Messrs. Marcus and Henderson, I filed a Petition requesting the withdrawal of the holding of abandonment setting forth my position.

6) In a paper dated July 23, 2003 my Petition was denied.

7) On July 29, 2003 I filed a request for reconsideration of the denial of my Petition.

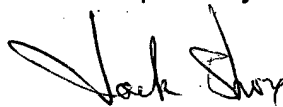
8) In a paper dated September 15, 2003 my request for reconsideration was denied.

This Petition is believed timely filed.

I hereby respectfully request that my Petition be granted and the application revived.

It is believed that a terminal disclaimer is not required.

Respectfully submitted,



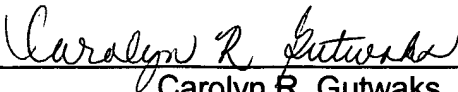
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September 30, 2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to MAIL STOP PETITION, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 30, 2003.



Carolyn R. Gutwaks